

***City of York Board of Zoning Appeals
Minutes
October 11, 2021***

Members Present:

Chairperson James Ramere
Strauss Shiple
Rodney Blair
Becca Caldwell
Bryant Brown
Myra Sinz

Members absent:

Jill Neff

Others present:

Planning Director Breakfield
Zoning Administrator Blackston
(See sign-in sheet)

Chairperson James Ramere called the meeting to order at 6:00 pm.

As the first item of business, Myra Sinz was sworn in as the newest member of the Board. The Board welcomed Myra to Board membership.

The second item of business was approval of the draft Minutes from the July 20, 2021 meeting. Upon a Motion by Becca Caldwell, seconded by Rodney Blair, the Board of Zoning Appeals (BZA) unanimously approved the Minutes as submitted.

The third item of business was a variance application regarding wall signage for Tractor Supply Company located at 802 East Liberty Street (referenced by Tax Map Id # 0701501021).

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Zoning Administrator Blackston indicated the following regarding the application:

1. As Chairperson Ramere noted, the second item of business is a variance application regarding wall signage for Tractor Supply Company located at 802 East Liberty Street.
2. The owner is Maple Leaf SCLLC/ Michael Wexler and the property is referenced by York County tax map # 0701501021.
3. The applicant is Media Resources.
4. The property is zoned HC- Highway Commercial.
5. In a HC zoning district, a maximum of 5% of each commercial building front façade is typically allowed to have signage.

6. The applicant requested a variance to exceed the maximum 5% threshold per the application and supporting documentation included in your meeting packet.
7. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this evening.
8. As with all public hearings, the agenda has been posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing has been duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.
9. As the application is reviewed, please be mindful that the following factors must be addressed in your decision-making process as well as any Motion made on the subject:
 - Are there extraordinary and exceptional conditions pertaining to the particular piece of property?
 - Do conditions exist that are not generally applicable to other property in the vicinity?
 - Because of these conditions, would the application of the ordinance to the particular piece of property effectively prohibit or unreasonably restrict the utilization of the property?
 - Would the authorization of a variance be a substantial detriment to adjacent property or the public good, and would the character of the district be harmed by the granting of the variance?
10. The BZA has a maximum of 75 days from this meeting to render a decision on the application; otherwise, the application is deemed approved.
11. If a variance application is denied by the BZA, the application cannot be presented again for a period of 12 months.

The applicant presented and discussed the application with the BZA.

After closing the public hearing, discussion by the BZA and upon a Motion by Becca Caldwell, seconded by Bryant Brown, the BZA unanimously approved the application as submitted.

The fourth item of business was a variance application regarding the following at 52 Ross Cannon Street (referenced by Tax Map Id # 0701601156):

- Nonconforming rights to the usage of the existing house as a duplex (the structure has not been used as a duplex in the last 6 months); and
- An addition to the existing structure intended for duplex usage.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the fourth item of business is a variance application regarding the following at 52 Ross Cannon Street (referenced by Tax Map Id # 0701601156):

- Nonconforming rights to the usage of the existing house as a duplex (the structure has not been used as a duplex in the last 6 months); and
 - An addition to the existing structure intended for duplex usage.
2. The applicant, Jonathan Brazzell, owned the subject property that is referenced by York County tax map # 0701601156.
 3. The property is zoned R15- Restricted Residential; therefore, a single-family dwelling is allowed but a duplex is not allowed.
 4. The existing structure on the property is currently used as single-family dwelling; however, the applicant asserted that the property was used for duplex purposes in the past but more than six months ago.
 5. The zoning ordinance specifies that a previously-nonconforming building use that is not used for the nonconforming use for a continuous period of 180 days or more shall not again be used for nonconforming purposes unless in conformity with the current requirements of the respective zoning district; furthermore, nonconforming uses cannot be extended or enlarged except in accordance with current zoning requirements.
 6. In summary, per the application and supporting documentation included in your meeting packet, the applicant requested a variance to allow the existing structure to be converted to a duplex and to allow the described addition to be constructed.
 7. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this evening.
 8. As with all public hearings, the agenda has been posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing has been duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.
 9. As the application is reviewed, please be mindful that the following factors must be addressed in your decision-making process as well as any Motion made on the matter:
 - Are there extraordinary and exceptional conditions pertaining to the particular piece of property?
 - Do conditions exist that are not generally applicable to other property in the vicinity?
 - Because of these conditions, would the application of the ordinance to the particular piece of property effectively prohibit or unreasonably restrict the utilization of the property? and
 - Would the authorization of a variance be a substantial detriment to adjacent property or the public good, and would the character of the district be harmed by the granting of the variance?
 10. The BZA has a maximum of 75 days from this meeting to render a decision on the application; otherwise, the application is deemed approved.
 11. If a variance application is denied by the BZA, the application cannot be presented again for a period of 12 months.

Sara Shirley, from American Engineering, presented the application to the Board and answered questions regarding plans for the addition and duplex renovation.

Several members from the public indicated concerns regarding property value, historic value of the homes in the area, potential increase of crime, and creating a precedent.

After closing the public hearing, discussion by the BZA and upon a Motion to approve the application by Rodney Blair, seconded by Bryant Brown, the BZA voted 3 to 3 on the matter. Chairperson Ramere, Rodney Blair, and Bryant Brown voted in favor of the Motion, while Strauss Shiple, Becca Caldwell, and Myra Sinz voted in opposition.

Since a majority of the members present is required to carry a Motion, the Motion was denied.

The fifth item of business was a special exception application and conceptual site plan for the proposed Spring Lakes Subdivision, a 153-lot, single-family dwelling residential development project located near Springlake Lake Country Club off of Springlake Road and Blessed Hope Road.

Chairperson Ramere convened a public hearing regarding the application, announced an order of business for the public hearing and requested that City staff provide information regarding the application.

Planning Director Breakfield indicated the following regarding the application:

1. As Chairperson Ramere noted, the fifth item of business is a special exception application and conceptual site plan for the proposed Spring Lakes Subdivision, a 153-lot, single-family dwelling residential development located near Springlake Lake CC off of Springlake Road and Blessed Hope Road.
2. Springlake Holdings, LLC, owned the subject properties that are referenced by York County tax map #'s 07023010104, 0702301005 and 0702301007.
3. The property is currently zoned R15- Restricted Residential and R7- Residential.
4. The applicant has requested that the property be rezoned to R5 to facilitate a desired project that would not be allowed under the current zoning classification. As with any rezoning application, the Planning Commission (PC) must review the application and then render a recommendation to York City Council. At its August meeting, the PC recommended that York City Council deny the rezoning request. Please be mindful that any motion to approve the special exception application and conceptual site plan must be contingent on York City Council ultimately approving the requested R5 – Multifamily Residential zoning designation for the properties.
5. In a R5 – Multifamily Residential Zoning District, single-family dwelling subdivisions are allowed only with special exception approval from the BZA. The special exception application and conceptual site plan for the proposed single-family dwelling project was included in your meeting packet.
6. As with any such special exception application, the PC must review the application and then render a recommendation to the Board of Zoning Appeals (BZA). The BZA must take the PC recommendation, conduct a public hearing(s), receive public feedback and make a final decision on the matter.
7. The PC informally discussed the application at its May 24th meeting and then formally reviewed the application at the July 7th and August 23rd meetings.

8. At its August 23rd meeting, the PC recommended that the BZA deny the special exception application and conceptual site plan per the reasons indicated in the Minutes from that meeting included in the meeting packet. The Minutes from the July 7th PC meeting are also included in the packet.
9. Included in the August 23rd PC meeting Minutes is the following passage that describes the rationale for the PC decision in the matter:
 - The PC indicated that the comprehensive plan requires that the City provide for a wide range of quality housing projects that are available to all income levels, increase homeownership rate and housing values and provide an overall site design that is harmonious and provide a variety of building types, facades and open spaces. The City has approved a significant number of residential units in the \$250,000-\$325,000 price range over the last year or so.
 - Based on the noted objective from the comprehensive plan and the project's proximity to the existing adjacent golf course and community, the proposed project represented an excellent opportunity to be a 'step up' in project caliber. The PC appreciated the applicant's stated desire to have an average home price of approximately \$400,000 for this project but desired information as to how this price level would be achieved for the overall project; in particular, the PC requested that the applicant provide more details that would differentiate the project from other recently-approved projects in the city.
 - To further clarify, the PC indicated a reluctance to recommend approval of a project that had similar design specifications as recently-approved \$250,000-\$325,000 price range projects with the assumption that the proposed location by itself would add significant value to the typical house. The PC further specified numerous design attributes as potential ways to differentiate the project. The PC requested that the applicant review the specified concepts and provide revised drawings and information for review and the PC appreciated the applicant's response to the comments.
10. As the special exception application and conceptual site plan are reviewed, the BZA must be mindful that, among other things, the following factors must be addressed in the decision-making process and in any Motion made on the subject:
 - a. The proposed design and location of the particular development.
 - b. The possible traffic-generating characteristics of the proposed development.
 - c. The effects of the proposed development on the present or intended character of the area in which it is proposed for location.
 - d. The availability of public utilities, facilities and services.
11. The BZA must conduct a public hearing(s), receive public feedback and make a final decision on the matter. The public hearing for this application is scheduled for this evening.
12. As with all public hearings, the agenda has been posted to a local newspaper, the City's website and at York City Hall; all adjacent property owners were notified by mail; the Public Hearing has been duly advertised in a local newspaper and Public Hearing signage was posted on each affected property.

13. The BZA has a maximum of 75 days from this meeting to render a decision on the application; otherwise, the application is deemed approved.
14. If a variance application is denied by the BZA, the application cannot be presented again for a period of 12 months.

Brandon Pridemore, from R. Joe Harris and Associates, gave a detailed presentation of the Spring Lakes Subdivision plan for the BZA and answered questions regarding the special exception application.

Numerous people spoke regarding the upcoming Spring Lakes project near Springlake Country Club. Public concerns expressed included excessive housing density, incompatibility of the project with surrounding community, lots were too small, inadequacy of the proposed emergency access, the need for upscale housing in the proposed location, and potential devaluing of existing nearby properties.

The Board asked questions about the subdivision regarding rental occupancy, price range, time frame of the project being built, what could be built by right, how many cars could be parked on the street, what type of buffers would be provided by the developer, and if Eastwood Homes had built any other homes in York.

After closing the public hearing, discussion by the BZA and upon a Motion by Myra Sinz, seconded by Becca Caldwell, the BZA conditionally approved the application based on the homes having a minimum 6/12 roof pitch, zero rental allowance, zero on-street parking requirement that will be monitored by the Homeowners Association, and City Council ultimately approving the pertinent rezoning application in the matter. Rodney Blair opposed the Motion.

There being no further business, the meeting was adjourned at 7:22 pm.

Respectfully submitted,

C. David Breakfield Jr., MCP, AICP
Planning Director

cc: City Manager Seth Duncan
File- Board of Zoning Appeals 10/11/2021